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PROFESSOR C. J. HAMSON

THE Editorial Committee record with great regret the death on 14 November 1987 of Professor C. J. Hamson, Emeritus Professor of Comparative Law, who was Editor of the Journal from 1955 to 1973 and its Treasurer from 1953 to 1973.

A brief biographical note was published in [1974] C.L.J. 1, together with extracts from the address which Professor Hamson gave at the dinner held by the Law Faculty in his honour on his retirement in October 1973.

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CASE AND COMMENT

TO CATCH A SPY

THE *Spycatcher* saga is by no means over; and the midsummer decision of the House of Lords in *Attorney-General v. Guardian Newspapers Ltd.* [1987] 1 W.L.R. 1248, refusing to discharge interim injunctions against certain newspapers, can be seen in retrospect not so much as the beginning of the end as the end of the beginning. Legal proceedings concerning Peter Wright and *Spycatcher* ("The Candid Autobiography of a Senior Intelligence Officer") first surfaced in Australia in 1985, and prior to the ruling in the House of Lords there had already been important decisions in the English courts and at first instance in New South Wales. Subsequently and before the end of 1987 there were major appellate decisions in New South Wales and in New Zealand; and Scott J. in the English High Court (*The Times Law Report*, 22 December 1987) refused permanent injunctions against the newspapers involved in the earlier interlocutory applications.

Nor does *Spycatcher* stand alone in the twilight zone of secret intelligence. 1987 began with the Zircon spy satellite affair and ended with the confirmation by Owen J. of an interim injunction over the proposed Radio 4 series on "My Country, Right or Wrong" (see *The Times Law Report*, 18 December 1987). Controversy developed late in the year with regard to the effectiveness of the D-Notice system and to a private member's bill designed to repeal and replace section 2 of the Official Secrets Act 1911; and the Government confirmed that it would itself be seeking a belated legislative response to the Franks recommendations (Cmnd. 5104) of 1972.

The Official Secrets Act has been put on a back burner during the *Spycatcher* litigation. No criminal prosecution has been undertaken. Instead, the Attorney-General has relied on the duty of confidence enforced through civil proceedings, initially with a view to securing an injunction but with other, longer-term remedies (such as an